

JUL -27' 04 (TQE) 10:35

RECEIVED  
CENTRAL FAX CENTER

JUL 27 2004

OFFICIAL  
TEL: 919-862-2260

P.001

This facsimile message and its contents are legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone and return the original message to us at the address shown below via the Postal Service. Thank You.

## ALSTON & BIRD LLP

3201 Beechleaf Court, Suite 600  
Raleigh, NC 27604-1062  
919-862-2200  
Fax: 919-862-2260

### TELECOPY

PLEASE DELIVER AS SOON AS POSSIBLE

DATE: June 1, 2004

TO: U.S. PATENT & TRADEMARK OFFICE  
Attn: Anne R. Kubelik/ Art Unit 1638

FROM: Leigh W. Thorne

Appl. No.: 10/032,717 Confirmation No.: 5409  
Applicant(s): Abad *et al.*  
Filed: October 23, 2001  
Art Unit: 1638  
Examiner: Anne R. Kubelik  
Title: GENES ENCODING NOVEL BACILLUS THURINGIENSIS PROTEINS WITH PESTICIDAL  
ACTIVITY AGAINST COLEOPTERANS

Docket No.: 35718/237005  
Customer No.: 29122

Attached please find the following documents submitted responsive to the Notification of Noncompliance of 6/28/04, the Advisory Action of 2/18/04, and the Final Rejection of 12/03/03 for the above-referenced application: Amendment After Final (8 pages); Appeal Brief (20 pages); and Transmittal Sheet (1 page)

NO. OF PAGES: 29  
(Including cover page)

OPERATOR:

IF NOT RECEIVED PROPERLY, PLEASE NOTIFY ME IMMEDIATELY AT 919-862-2233

USER CODE:	THORL	FAX NUMBER:	703-872-9306
CLIENT/MATTER:	035718/237005		
REQUESTED BY:	PIXLL	VOICE NUMBER:	571-272-0801

RTA01/215935Rv1

JUL -27' 04 (TUE) 10:36

RECEIVED  
CENTRAL FAX CENTER

TEL:9198622260

P.002

JUL 27 2004

OFFICIAL

PATENT

RESPONSE UNDER 37 C.F.R. 1.116 - EXPEDITED  
PROCEDURE - EXAMINING GROUP 1638

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.: 10/032,717 Confirmation No.: 5409  
Applicant(s): Abad *et al.*  
Filed: October 23, 2001  
Art Unit: 1638  
Examiner: A. R. Kubelik  
Title: GENES ENCODING NOVEL BACILLUS THURINGIENSIS PROTEINS  
WITH PESTICIDAL ACTIVITY AGAINST COLEOPTERANS

Docket No.: 35718/237005  
Customer No.: 29122

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AFTER FINAL ACTION  
PURSUANT TO 37 C.F.R. § 1.116**

Sir:

In response to the Final Office Action dated February 18, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims beginning on page 2 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.